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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

TORRES, JOSEPH D

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action
After the Filing of an Appeal Brief

Application No.

10/071,018

Examiner

Joseph D. Torres

Applicant(s)

SU ET AL.

Art Unit

2133

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The reply filed 04 May 2005 is acknowledged.

1. ☒ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:

a. ☒ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).

b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☐ The reply is entered. An explanation of the status of the claims after entry is below or attached.

4. ☒ Other: The Examiner would like to point out that the newly proposed amendment to claim 10 is missing some of the limitations in claims 13 and 14. In particular, the following limitation from claim 12 is missing, "wherein the mask contains signals for each of the number of sectors". The Examiner suggests either rewriting claim 10 so that it contains all of the limitations of claims 12 and 13 or filing an RCE so that the newly proposed amended claim 10 can be examined.

The Examiner does agree, however, that newly proposed amended claim 1 is substantially claim 4 rewritten with all the limitations of its base and intervening claims 1 and 3 and would not have a problem entering newly proposed amended claim 1 into the case provided corrections to newly proposed amended claim 10 were also made so that newly proposed amended claim 10 also included all of the limitations in claims 13 and 14.

JOSEPH TORRES
PRIMARY EXAMINER

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